

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

APRIL 21, 2008

Meeting

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. Roll call showed the following Councilmembers present: William D. Beagle, George H. Lovett, John E. Kessler, Patrick A. Hale, Tim E. Evans, Vickie K. Blakey, and Dee Gillis.

Roll Call

Others in attendance included: Acting City Manager Bradley C. Vath, Law Director Joseph P. Moore, Police Chief Tom Davidson, Finance Director Richard Drennen, Fire Chief Steve Kessler, *Independent Voice* reporter Matt Clevenger, *Tipp Herald* reporter Mike Kelly, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Bill Barefoot, Chris Schroeder, Jordan Stutz, Allison Whittemore, Ashton Roseberry, Tyler Lang, Andrew Brown, Will Berth, Spencer Hartlup, Doug Gioiello, Chris Allen, Mindy Ferrell, Scott Furman, Schyur Shadoah, Jessic Pierre, Corinne Marchant, Brittany Barlagh, Derrel Cantrell, Nick Collins, Jeremy Wood, tiffany Teebe, Mandy Ringo, Deran Hollston, Natalie Decker, Patrick McHenry, Adam Schiler, Beck Pelishek, Sally Peters, Katie Bruce, Renae Willhite, John McCrillis, Kayla Lilly, Don Decker, Reverend Gary Boggs, Richard Lang, William Lang, Greg Catchell, Kelsey Hile, Cara Marchant, Bethany Foate, Mary Rickmon, Danielle Hopp, Alyssa Morland, Randall Wellburn, Alana Richards, Alex Twehues, Alia Gray, Sara Heilman, Jennifer Sanders, Justin Gay, Matt Catroni, Ashley March, Jordan, Beighle, Luis Whitworth, Jordan Phipps, Carlee Schaefer, Joanna Pittenger, Gordan Pittenger, Dan Roush, Clint Wolfe, Matt Fahy, Jennifer Milad, Hayley Stem, Erin Burns, Ashley Cooper, and Kyle Bonner.

**Invocation and
Pledge of Allegiance**

Reverend Gary Boggs from the First Baptist Church delivered the invocation. President Hale led the Pledge of Allegiance.

Approval of Agenda

President Hale moved to amend the agenda to add a Proclamation for Child Abuse Prevention Month, seconded by Mayor Evans. Mr. Beagle moved to approve the amended agenda, seconded by Mrs. Gillis. The motion unanimously carried.

**Proclamations
Arbor Day**

Mayor Evans proclaimed April 25th as Arbor Day in Tipp City and presented the proclamation to Tree Board Member Joanna Pittenger. He noted that a tree planting ceremony will be held on Friday, April 25th at Kyle Park beginning at 10 a.m.

National Day of Prayer

Mayor Evans proclaimed May 1st as National Day of Prayer and presented the proclamation to Reverend Gary Boggs. Rev. Boggs invited the community to attend the National Day of Prayer service on May 1st at the Tipp City Methodist Church's parking lot at Noon.

**Child Abuse
Prevention**

Mayor Evans proclaimed the Month of April as Child Abuse Prevention month. A proclamation was presented to Jennifer Sanders, representative from Miami County CASA.

Adoption of Minutes

Mr. Beagle moved, seconded by Mr. Lovett, to adopt the minutes of the April 7, 2008 Pre-Meeting Study Session. The motion carried with a vote of 7-0.

Mr. Lovett moved to approve the minutes of the April 7, 2008, City Council Meeting, seconded by President Hale. The minutes were approved by a vote of 7-0.

Mr. Lovett moved, seconded by Mr. Kessler, to adopt the minutes of the April 7, 2008, Post Meeting Study Session. The motion unanimously carried.

Ordinances

The following ordinances were presented to City Council for second reading and public hearing.

Ordinance 06-08
Motor Vehicle License
Fee

Ordinance 06-08: An ordinance levying the municipal five dollar (\$5.00) Motor Vehicle License Fee as authorized by Section 4504.171 of the Ohio Revised Code. (Sponsored by Mr. Beagle)

Clerk of Council Summary: This ordinance will enact Tipp City's third \$5.00 permissive Motor Vehicle License Fee to be used for street improvements.

City Manager Report: Mr. Vath noted that this ordinance would implement Tipp City's third \$5.00 Motor Vehicle License Fee, in accordance with Ohio Revised Code Section 4504.171. The City has previously implemented the first two \$5.00 fees in 1989 and 2005. With the second defeat of the 0.25% Capital Improvement Levy, Council at their March 17th, 2008, Study Session, discussed implementing two additional \$5.00 fees which would generate approximately \$55,000 each for a total of \$110,000 annually. He noted that the \$110,000 would only be 1/8th the amount that would have been generated by the proposed 0.25% Capital Improvement Levy if it had been approved by the voters.

Mr. Beagle sponsored this ordinance and moved for its adoption, seconded by Mrs. Gillis. The motion carried with a vote of 6-1, Mr. Kessler cast the dissenting vote. Ordinance 06-08 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 07-08
Motor Vehicle License
Fee

Ordinance 07-08: An ordinance levying the municipal five dollar (\$5.00) Motor Vehicle License Fee as authorized by Section 4504.17 of the Ohio Revised Code. (Sponsored by Mrs. Blakey)

Clerk of Council Summary: This ordinance will enact Tipp City's fourth \$5.00 permissive Motor Vehicle License Fee to be used for street improvements.

City Manager Report: Mr. Vath noted that this ordinance would be a companion ordinance to the ordinance above. This ordinance would implement the fourth \$5.00 Motor License Fee for Tipp City in accordance with Ohio Revised Code Section 4504.17. The total Motor License Fee for vehicles in Tipp City would become \$20.00 per vehicle with the adoption of both ordinances.

Ordinance 08-08
Permit Fee Code
Amendment

Mrs. Blakey sponsored this ordinance and moved for its adoption, seconded by Mr. Lovett. The motion carried with a vote of 6-1, Mr. Kessler cast the dissenting vote. Ordinance 07-08 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance 08-08: An ordinance amending code sections 150.03, 150.04, and 150.38 to clarify the permit fee requirements for work within the city.

Clerk of Council Summary: This ordinance will amend and clarify the permit fee structure and procedures for Zoning Compliance Permits, Building Permits, Plumbing Permits, Building Moving Permit, and License to Work in Right-of-Way Fee in Tipp City.

City Manager Report: With the City now having Miami County accepting all residential building permits, in lieu of the City, several sections of Code must be modified accordingly. During this review several other "permit" costs needed to be corrected to tie to the Master Fee Ordinance being Ordinance 23-04. Mr. Vath noted that this ordinance makes corrections to three sections of Tipp City's code to make these adjustments, which are "housekeeping" items and NOT changes in fee costs.

Mr. Hale sponsored this ordinance and moved for its adoption, seconded by Mr. Kessler. The motion carried with a vote of 7-0. Ordinance 08-08 was declared passed and President Hale affixed his signature in witness thereto.

**Resolutions (One
Reading Required)**

Resolution 13-08
Northern Leg of
Bikeway

The following resolutions were presented to City Council for adoption.

Resolution 13-08: A resolution authorizing the City Manager to enter into an agreement with Miami County Commissioners, Miami County Parks District, & Monroe Township for the construction of the north leg of the Great Miami Bikeway Connector and authorizing the City's share of local funding in the amount of \$7,480.

Clerk of Council Summary: This resolution allows the City to participate with the County, Township, & Park District for the construction of 8,545 feet of bikeway to connect the Nature Center to the existing bikeway in southern Concord Township.

City Manager Report: Mr. Vath noted that the City's share of the cost is anticipated to be \$7,480 which directly ties to the 10% of the bikeway within the Tipp City's corporate limits. Miami County Engineer Douglas Christian has stepped forward and will act as the Local Public Authority (LPA) to keep this project moving forward.

Mrs. Blakey sponsored this resolution and moved for its adoption, seconded by Mr. Kessler. The motion unanimously carried. Resolution 13-08 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 14-08
Barefoot Canoe
License

Resolution 14-08: A resolution authorizing a transfer of the license agreement with Barefoot Canoes, Inc. of Tipp City for the use of certain municipal property known as the canoe livery pursuant to the

terms and conditions as defined in said agreement attached as Exhibit "A."

Clerk of Council Summary: This resolution will authorize the City Manager to entering into a license agreement with Brian Budding dba Bsquared, LLC aka Barefoot Canoes to complete the term of the license previously granted to Bill Barefoot.

City Manager Report: Mr. Vath noted that the City granted Bill Barefoot a 5-year license to operate his canoe livery on Parkwood Avenue, adjacent to the Park Maintenance Building and the Great Miami River on City owned property by passage of Resolution 28-07. Mr. Barefoot is selling the business to Brian Budding.

Mrs. Blakey asked if the public would be allowed to launch privately owned canoes from this site. Mr. Vath stated that individuals could use this site to enter the water. However, they would need to make their own arrangements for pick up and return to the site.

Mr. Blake sponsored this resolution and moved for its adoption, seconded by Mr. Kessler. The motion unanimously carried. Resolution 14-08 was declared passed and President Hale affixed his signature in witness thereto.

**Ordinances
(First Reading)**

The following ordinances were presented to City Council for a first reading. The second reading and public hearing will be held on May 5, 2008.

NAWA Deed Transfers

Mayor Evans sponsored an ordinance approving the form and authorizing the execution of quit-claim deeds for four (4) easements to the Northern Area Water Authority (NAWA).

Clerk of Council Summary: This allows the City Manager to transfer ownership of two waterline easements from the City to NAWA which were necessary for the construction of the 24" transmission main from Tipp City to Vandalia and 2 waterline easements for the construction of the raw waterline to the new water treatment plant.

City Manager Report: Mr. Vath noted that this ordinance will transfer four (4) waterline easements from the City of Tipp City to NAWA. Two (2) easements were secured by the City prior to the start of the NAWA project from George Timmer for the raw water line. The other two (2) easements were secured as part of the 24" transmission line project to Vandalia, but were inadvertently granted in the name of the Miami County Commissioners. The Commissioners have transferred the easements to the "City of Tipp City" which now needs to transfer ownership to NAWA (½ to the City of Vandalia and ½ to the City of Tipp City).

**Video Service
Authorization**

Mr. Lovett sponsored an ordinance determining the video service provider fee to be paid by a video service provider offering video service in the City pursuant to a state authorization; authorizing the City Manager to give notice to the video service provider of the fee; and enacting Chapter 114 regarding "Competitive Video Service Authorizations."

Clerk of Council Summary: This ordinance will enact the new Competitive Video Service Authorization Code, Chapter 114, to establish the terms, conditions, franchise fee, and define gross revenue for video service providers within the City.

City Manager Report: This ordinance will establish Tipp City's rules and procedures for Video Service Providers who may wish to provide service in Tipp City. Mr. Vath noted that SB117 effectively eliminated the city's ability to issue cable TV franchises, thus necessitating the enactment of this ordinance to maintain Tipp City's control and limited regulatory rights. He noted that this ordinance would enact Chapter 114 of the Tipp City Code of Ordinance and would outline the requirements and the 5% franchise fee. Mr. Vath reported that Tipp City's existing franchise with Time Warner Cable will expire on December 31, 2010. After the expiration of the existing franchise, Tipp City Code Chapter 111 will need to be repealed. Mr. Vath stated that Council and the Monroe Township Trustees held a joint meeting on April 7th where the VSA issues were presented by Steve Husemann from the Miami Valley Cable Council and discussed at length.

Motions

2008 Paving Bid

Mrs. Blakey moved to reject the 2008 asphalt paving bids, seconded by Mr. Beagle. The motion unanimously carried.

2008 Ambulance
Medic Bid

President Hale moved to reject the 2008 ambulance/medic bid, seconded by Mr. Lovett. The motion carried with a vote of 7-0.

2008 General Fund &
Capital Reserve Fund
Expenses

Mayor Evans moved to suspend the purchase of Capital Improvement items in 2008 due to the failure of the 0.25% dedicated Capital Improvement Levy, seconded by Mrs. Gillis. The motion carried with a vote of 7-0. The following items were suspended: 2008 paving program, medic/ambulance, Police accident reconstruction software, plotter/scanner, ¾ ton truck, and police cruiser.

Citizen Comments

There were no citizen comments on items not on the agenda.

Councilmember Comments

Mr. Kessler thanked the students in the audience for attending the meeting. He encouraged them to serve on Board and Commissions and run for an elected position in the community and help guide the future.

Mr. Beagle stated that the Tipp-Monroe Community Garage Sale would be held May 3rd. He noted that baseball and softball pictures were scheduled for the same day. Tipp-Monroe Community Services' Summer Registration will be held May 20 – 22. Mr. Beagle noted that the Farmer's Market and Windows of Tippecanoe would kick off on June 14th.

Mayor Evans encouraged citizens to attend the Arbor Day ceremony on April 25th at Kyle Park and the National Day of Prayer ceremony at the Tipp City Methodist Church on May 1st. Both events begin at Noon.

Mr. Lovett noted that the cost cutting measures taken by City Council this evening will not be seen by the citizens. However, the citizens will eventually see an erosion of City services and our ability to supply them. He stated that the City of Tipp City has a significant

budgetary problem and Council has no choice but to make cuts. He stated that staff has been cut over the past few years. Now Council has had to make cuts in Capital Improvement Projects. Due to the rejection of the paving program citizens will see the roadways erode and staff's ability to maintain the streets will be limited. The rejection of the Ambulance bid causes the City to delay a scheduled replacement and the department will be using older equipment and technology and result in more maintenance costs. Mr. Lovett noted that other items being cut included software for the police department and copiers for the planning department. He stated that Council was not making these cuts for show, Council has to make these cuts.

Mrs. Gillis announced that City Council would be interviewing candidates for the City Manager position this week. She asked the community to keep Council in their thoughts and prayers throughout this decision making process.

President Hale added to Mr. Lovett's comments. He noted that the cuts mentioned tonight were from the 2008 budget. He stated that there is a entire list of deferred projects and items that should have been bought in the past and roadwork that should have been completed back as far as the year 2000. President Hale noted that this isn't a new problem. Council has been trying to combat this issue for several years.

**Acting City Manager
Comments**

Mr. Vath stated that the Veteran's Memorial Park is nearing completion. He stated this was a project the entire community could be proud of.

Executive Session

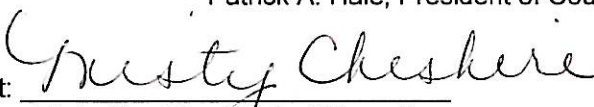
Mr. Beagle moved to adjourn to Executive Session to discuss pending and imminent litigation to include the City Manager and Law Director, seconded by Mayor Evans. The motion unanimously carried. Council adjourned to Executive Session at 8:08 p.m. The meeting reconvened at 8:54 p.m.

Adjournment

There being no further business, it was moved by Mrs. Blakey, seconded by Mr. Beagle, that the meeting be adjourned. The motion unanimously carried. President Hale declared the meeting adjourned at 8:55 p.m.



Patrick A. Hale, President of Council

Attest: 
Misty Cheshire, Clerk of Council